

21



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,558	08/05/2003	Takehiko Sekine	02860.0750	7142

7590 04/06/2005
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

BLOUIN, MARK S

ART UNIT PAPER NUMBER

2653

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/633,558	Applicant(s) SEKINE ET AL.	
	Examiner Mark Blouin	Art Unit 2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) ·
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The term “auxiliary” is not found in the Specification, but is used in the claim language.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Obata et al (USPN 6275459).

4. Regarding Claims 1 and 6, Obata et al shows (Fig. 12) a disk cartridge ejection mechanism for moving a disk cartridge from loaded position thereof in which information is recorded in and reproduced from a recording medium inside the disk cartridge, to a removal position which the disk cartridge can be taken out from an image recording and reproducing apparatus, the disk cartridge ejection mechanism comprising a cartridge engagement device (Figure 12) for engaging with the disk cartridge (1) to inhibiting the disk cartridge from moving beyond the removal position (b₁), when the disk cartridge moved from the loaded position (b₂) to the removal position, a cartridge engagement auxiliary device (65) for preventing a release of engagement of the cartridge engagement device with the disk cartridge, when the disk cartridge

Art Unit: 2653

is moved from the loaded position to the removal position, and an auxiliary releasing member (89) releasing a state in which the cartridge engagement auxiliary device prevents the release of the engagement of the cartridge engagement device with the disk cartridge, after the disk cartridge moved from the loaded position the removal position.

5. Regarding Claim 2, Obata et al shows (Fig. 12) the disk cartridge ejection mechanism further comprising an urging member (89) for urging the disk cartridge toward an ejection direction, and a locking member (84) for inhibiting the disk cartridge from moving at the loaded position thereof, and a lock releasing device (69+89+84) for releasing the locking member.

6. Regarding Claim 3, Obata et al shows (Fig. 12) the disk cartridge ejection mechanism, wherein the cartridge engagement device comprises an elastic arm (67) having a protrusion (67a) to engage with the concave portion (66) of the disk cartridge, and the cartridge engagement auxiliary device (65) comprises a lock arm (88) for coming in contact surface on an opposite side of a surface where the protrusion of the elastic arm is provided.

7. Regarding Claims 4, Obata et al shows (Fig. 12) the disk cartridge ejection mechanism, wherein the cartridge engagement auxiliary device comprises a plate (69) on which the lock arm (88) is rotatably provided (rotates about 83), and a lock arm urging member (80) for urging the lock arm toward the elastic arm (67).

Allowable Subject Matter

8. Claim 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

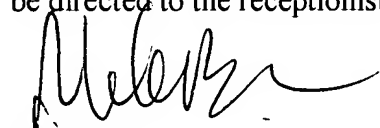
Art Unit: 2653

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Blouin whose telephone number is (703) 305-5629. The examiner can normally be reached M-F, 6:00 am – 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful the examiner's supervisor, William Korzuch can be reached at (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314 for regular and After Final communications.

Any inquiry of general nature or relating to the status of application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.



Mark Blouin
Patent Examiner
Art Unit 2653
March 23, 2005



DAVID L. OMETZ
PRIMARY EXAMINER